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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE October 2, 2015 LOCAL EFFECTIVE DATE October 16, 2015 APPROX FINAL EFFECTIVE DATE September 6, 2015	CONTACT/PHONE James Caruso (805) 781-5702 jcaruso@co.slo.ca.us	APPLICANT Forster-Gill, Inc	FILE NO. DRC2014-00140
SUBJECT Hearing to consider a request by Forster-Gill Inc. for a Minor Use Permit/Coastal Development Permit to allow additional restaurant seating and facilities (capacity to remain unchanged at 100 persons), changes to hours to allow for an additional 30 minutes of operating time and 90 minutes for cleanup, allow outdoor amplified music and temporary rain covers over seating areas. The project will result in the disturbance of the entire approximately 1,800 square foot parcel. The proposed project is within the Commercial Retail land use category and is located at 262 Front Street within the community of Avila Beach. The site is in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00140 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class Three Categorical Exemption was issued on August 25, 2015 (ED 15- 051).			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Zone, Visitor Serving Area, Central Business District, Coastal Special Community, Archaeologically Sensitive	ASSESSOR PARCEL NUMBER 076-222-018	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan <i>Does the project meet applicable Planning Area Standards: YES</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Coastal Appealable Zone, Height, Setbacks, and Parking <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

FINAL ACTION

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

EXISTING USES:

Existing restaurant; partially vacant

SURROUNDING LAND USE CATEGORIES AND USES:

North: Commercial Retail; Residences *East:* Commercial Retail; Hotel
South: Recreation, Beach/Pacific Ocean *West:* Commercial Retail; Retail businesses

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Building Division, Avila Community Services District, California Coastal Commission, and the Avila Valley Advisory Committee

TOPOGRAPHY:

Nearly level to moderately sloping (fill)

VEGETATION:

Disturbed soils

PROPOSED SERVICES:

Water supply: Avila CSD
 Sewage Disposal: Avila CSD
 Fire Protection: Cal Fire

ACCEPTANCE DATE:

August 15, 2015

DISCUSSION

Project Description

This permit application proposes the following:

- a. Expand restaurant footprint into the adjacent undeveloped portion of the site by 1800 sq ft for outdoor seating area.
- b. The existing capacity of the restaurant remains unchanged at 100 people.
- c. 40 of the 100 allowable seats may be in the new outdoor seating area.
- d. A garden area at the rear of the expansion area.
- e. Outdoor amplified music until 10:00 p.m.
- f. Amend restaurant closure from 10:30 p.m. to 11:00 p.m.
- g. Clean up time (after closure) for 90 minutes after close. Clean up activities must end by 12:30 a.m.)
- h. Allow temporary rain covers over solar panels during rainy season.

The proposed seating area will be used to spread the existing restaurant's 100 person capacity from 750 square feet into a larger vacant area of the property allowing for a total of 2,250 square feet of seating area for the restaurant. In addition, a proposed herb garden will be

located on the north side of the property which is adjacent to an existing residence in an effort to create a buffer area between the residence as well as an amenity for the restaurant use.

PLANNING AREA STANDARDS:

Avila Beach Specific Plan Standards:

Avila Beach Specific Plan – Front Street Commercial District Area Standards: Design guidelines for Front Street promote an interesting and varied streetscape to encourage public gathering spaces. *The restaurant located at the street-side corner of the site, provides ample outdoor seating with ocean views that provides a place for human interaction.*

Front Street Setbacks – No new structures are proposed in this application. Restaurant seating and facilities in the expansion area are shown on the proposed site plan.

Height Limits – The maximum height for a structure in the Front Street Commercial District is 15 feet as measured from the “main street frontage” which is defined as the frontage on Front Street. No new structures are proposed in this application.

Building Style and Materials – Buildings shall be articulated with three dimensional detailing using window moldings, cornices, awnings and trellises. *The existing building provides trellises and overhangs to meet this standard.*

Building Materials – This standard emphasizes the use of stucco, painted wood, lap siding and tile. The structure consists of Hardie board horizontal siding with copper cap flashing and painted wood trim, so the project meets this standard.

Roof Types/Detailing/Materials – This standard discourages continuous rooflines and jutting and large scale roofs along with reflective materials. The existing structure has grey, composite shingles with a mixture of flat and gabled roof elements which meets this standard.

Overhangs and Awnings – These features are encouraged as part of a project design. The existing structure has overhangs which meets this standard.

Building Scale – Buildings should give the appearance of being separate structures on 25-foot or 50-foot wide lots. The proposed outdoor seating area and the exiting restaurant appear as separate 25 foot wide developed lots.

Windows and Openings – Promote large amounts of windows along Front Street. The existing restaurant provides large amounts of glass along Front Street. The proposed outdoor seating area also has windows all along its sidewalk frontage.

Landscaping – Landscaping is encouraged to provide “breaks from the built environment”. The site plan shows landscaping along and a garden as part of the proposed outdoor seating area.

Signage - No additional signage is proposed.

Parking Requirements – Non-residential projects are not required to provide on-site parking, but must pay in-lieu parking fees or provide off-site parking through a shared parking agreement for any required parking. No increase in capacity is permitted as part of this permit application. No additional parking fees are required for this project.

LAND USE ORDINANCE STANDARDS:

Regulations regarding setbacks, height limitations, landscaping and signs are all superseded by Avila Beach Specific Plan standards.

Noise: The applicant requests outdoor amplified music be allowed on the site. There is a noise sensitive use (residence) located adjacent to the site on the north. Outdoor amplified music is allowed as long as all noise from the project meets the Noise Element standards. Noise levels cannot be higher than 65 dBa at the rear property line. Monitoring is required to ensure compliance with this standard.

Parking – As discussed above, no additional parking is required.

Combining Designations – The project is located in the following areas: Archaeologically Sensitive, Coastal Appealable, Central Business District, Coastal Special Community, Front Street Commercial District and Local Coastal Program.

Archaeologically Sensitive Area – Sites within this area require a preliminary site survey. A Cultural Resource Survey was completed (Singer and Associates, Inc., March 2012). The survey found no evidence of cultural resources and no mitigation measures were recommended.

Coastal Appealable Zone – Permits issued by the County in this area are appealable to the California Coastal Commission.

Central Business District/Front Street Commercial District – Specific standards within the Avila Beach Specific Plan for this area are discussed in detail above.

Local Coastal Program – The site is within the Local Coastal Program area and is subject to the provisions of the California Coastal Act of 1976 and the County's Coastal Land Use Ordinance.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: Policy No. 2

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: ☒ N/A

Agriculture: ☒ N/A

Public Works: Policy No(s): 1

Coastal Watersheds: Policy No(s): 8 & 10

Visual and Scenic Resources: ☒ N/A

Hazards: ☒ N/A
Archeology: ☒ N/A
Air Quality: ☒ N/A

Recreation and Visitor-Serving:

Policy 2: Priority for Visitor-Serving Facilities. Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. *The proposed project is a restaurant expansion with a request for outdoor amplified music. This use is consistent with an area focused on visitor serving uses.*

Public Works:

Policy 1: Availability of Service Capacity applies to the project. *The applicant is conditioned to supply a water and sewer will-serve letter from the Avila Community Services District for any additional water fixtures.*

Coastal Watersheds:

Policy 8: Timing of new construction: *The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions: *The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the outdoor seating area will not increase erosion or runoff.*

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COMMUNITY ADVISORY GROUP COMMENTS: The Avila Beach committee recommended approval for the proposed project at the August 10, 2015 meeting.

AGENCY REVIEW (those received):

Public Works – Avila Road fee area; drainage review required; Recommend approval

Coastal Commission – No comments

Staff Report prepared by James Caruso and reviewed by Ryan Hostetter.